

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No. 4818/2020

(Arising out of impugned final judgment and order dated 16-12-2019 in CRLMC No. 7799/2019 passed by the High Court of Kerala at Ernakulam)

FASALU P.P @ FAISAL

Petitioner(s)

VERSUS

THE STATE OF KERALA & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.101183/2020-EXEMPTION FROM FILING O.T.)

Date : 18-12-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHUSHAN
HON'BLE MR. JUSTICE R. SUBHASH REDDY
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s)

Mr. Siddharth Luthra, Sr. Adv.
Mr. Aljo K. Joseph, AOR
Ms. Shelna K., Adv.
Mohd. Shakeib Naru, Adv.
Mr. Akshay Sehgal, Adv.

For Respondent(s)

Mr. Siddhartha Jha, AOR
Mr. Gazab Singh Chauhan, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Heard learned senior counsel appearing for the petitioner as also the counsel appearing for the respondent-caveator.

The special leave petition has been filed against order dated 16.12.2019 passed by the High Court of Kerala,

by which order, the High Court, on the statement made by the counsel for the petitioner, has permitted the petitioner to withdraw his petition under Section 482 Cr.P.C. It has been submitted by the learned senior counsel that the counsel was not given any such instruction to withdraw the application under Section 482 Cr.P.C.

We permit the petitioner to make an appropriate application under Section 482 Cr.P.C. before the High Court which will be considered and appropriate decision be taken by the High Court.

We observe that we are not expressing any opinion on the merits of the case and it is for the High Court to take appropriate decision in the matter.

We do not comment on whether the counsel was instructed to withdraw or not.

The special leave petition is disposed of with the aforesaid observations.

(NIDHI AHUJA)
AR-cum-PS

(RENU KAPOOR)
BRANCH OFFICER